

In the High Court of Travancore-Cochin

Before

The Hon'ble Shri K.S. Govinda Pillai, Judge and
The Hon'ble Shri Joseph Vithayathil, Judge

A.S.35 of 1950

C.S.178 of 1119, Kottayam Munsiff's Court

Appellant - 1st defendant:-

Itty Skaria of Punnapatasseril, Chingalam Kara, Kummanam
Pakuthi.

By Advocate Shri M.S.Joseph

Respondents - Plaintiffs:-

1. Jacob Kathanar Kochitty of Kumampurathu Erupathil, Chengalam
Kara, Thiruvarpu.

2. Jacob Kathanar Chacko of Do.

By Advocate Shri M.U.Issac.

This appeal suit having been heard on 6-6-1952, the court
on the same day delivered the following:-

Judgment

The plea of limitation is against the provisions of
Act 180 of the Limitation Act (Travancore) and since the suit was
filed within 12 years of the date of demand mentioned in that article
it is not barred by limitation. The partial discharge pleaded by
the defendant is not satisfactorily made out. The only remaining
question relates to the mode of calculation. The amount as due on
21-3-1107 has to be calculated and the sum due to the defendant
under the B class ticket is to be deducted. It was admitted on ~~the~~
both sides, that on such deduction, the amount due will be
Indian Rs.666-9-0. This along with the moiety of the principal will
be the amount due to the plaintiff on the date of suit. Thereafter
interest at 4 per cent on the principal sum of Rs.666-9-0 will be
calculated till 28-11-1123 when Rs.500 had been deposited by the
defendant in court. This will be deducted on that day; and 4 per
cent interest will be calculated on the balance till the date of
decree of the lower court. The amount found due then together with
interest thereon at 4 per cent, and one-half of the costs of the
plaintiff in the lower court will be the sum due to the plaintiff.

He is allowed to realise the same from the defendant. There will be no order as to the costs of this appeal.

Sd.K.S.Govinda Pillai, Judge
Sd.Joseph Vithayathil, Judge

6-6-1952

(True copy)

Compared by

John Agius

John Agius
Asst.Registrar for Registrar.